

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LEOPOLDO LEAL,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:14-CV-305
	§	
THE ROMAN CATHOLIC CHURCH, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

ORDER FOR PLAINTIFF TO SHOW CAUSE

Plaintiff appearing *pro se* filed this civil action in a pleading entitled “Action On Title Fraud By Concealment.” (D.E. 1). Pending is Plaintiff’s Motion to Proceed *In Forma Pauperis*. (D.E. 2). This case was referred to the undersigned United States Magistrate Judge for case management pursuant to 28 U.S.C. § 636. (D.E. 4).

Plaintiff has a history¹ of filing civil actions relating to property in South Texas described by Plaintiff as lands that comprise the de la Garza Land Grant. (D.E. 1, p. 2). Plaintiff maintains that various persons and entities have unlawfully deprived him of certain ancestral ownership interests he believes he has in the property. Plaintiff’s claims relating to this property have been determined to be frivolous and Plaintiff has been deemed a vexatious litigant. *See Leopoldo Leal v. Other Unknown Persons et al.*, No. C-

¹ *See Leopoldo Leal v. Adelmira Rios, et al.*, 7:90-cv-00145 (S.D. Tex. Aug. 1, 1990); *Leopoldo Leal v. Sun Exploration and Production Co. et al.*, 2:01-cv-00230 (S.D. Tex. May 18, 2001); *Leopoldo Leal v. The John G. and Marie Stella Kenedy Foundation.*, 2:03-cv-00057 (S.D. Tex. Feb. 12, 2003); *Leopoldo Leal v. The John G. and Marie Stella Kenedy Foundation.*, 2:03-cv-00494 (S.D. Tex. July 12, 2004); *Leopoldo Leal v. The Kerr-McGee Corp. et al.*, No. H-04-2950, (S.D. Tex. May 4, 2004).

04-00494, (S.D. Tex. Dec. 20, 2004). Plaintiff's vexatious litigation resulted in Senior United States District Judge Janis Graham Jack enjoining Plaintiff from filing similar litigation in the future.

Plaintiff Leal, his heirs, successors, and assigns, are hereby ENJOINED from filing the same suit, arising out of the same facts and circumstances as the present action, in any State or Federal court against the John G. and Marie Stella Kenedy Foundation. Any further filings relating to this cause of action may only be filed with leave of the Court. Failure to comply with this Order shall result in sanctions, including payment of Defendant's attorneys' fees incurred in defending future actions.

Id.

Plaintiff was not deterred from pursuing frivolous and abusive litigation. Plaintiff filed a similar suit on February 2, 2005, Cause Number SA-05-0093, in the United States District Court for the Western District of Texas – San Antonio Division. Judge Jack held a hearing and found Plaintiff in violation of above referenced injunction and in contempt of court. (*See* D.E. 40 in 2:04-cv-00494). Plaintiff was ordered to pay \$24,592.43 costs and attorneys' fees to the Foundation as a sanction for his willful disobedience of the Court's order of December 20, 2014, and his civil contempt. The Court stayed the imposition of the sanction conditioned on: (1) the Plaintiff dismissing his lawsuit, and (2) Plaintiff refraining from filing another lawsuit in any State or Federal Court asserting the same causes of action against the same parties. (*See* D.E. 40 in 2:04-cv-00494). The Court further ordered that:

If, at any time, Mr. Leal fails to abide by the two conditions of this stay, he shall be subject, after notice and hearing, to payment of the sanction amount and imprisonment under the terms and conditions outlined above.

The present action is related and similar to Plaintiff's prior lawsuits determined to be frivolous. The filing of the action by Plaintiff appears to be in clear violation of the previous orders of Senior United States District Judge Janis Graham Jack. Plaintiff has sued The John G. and Maria Stella Kenedy Foundation in violation of the order enjoining Plaintiff from filing such lawsuits. Further, Plaintiff filed the present action in the Brownsville Division of the Southern District of Texas, which appears to be an attempt by Plaintiff to avoid appearing before judges familiar with this litigation.

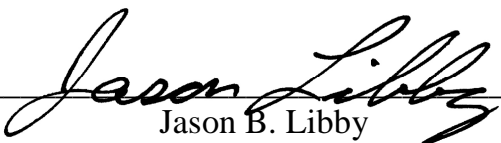
Therefore, no later than **August 1, 2014**, Plaintiff shall show cause why the present action should not be dismissed. Plaintiff shall further show cause why he should not be ordered to pay \$24,592.43, and otherwise sanctioned, for violating the orders of Senior U.S. District Judge Janis Graham Jack dated December 20, 2004 and April 7, 2005.

Plaintiff may avoid the risk of the imposition of sanctions if he files a notice of dismissal on or before **August 1, 2014**.

The Clerk of Court is directed to have this order and the orders of Senior United States District Judge Janis Graham Jack dated December 20, 2004 and April 7, 2005, in Civil Action No. C-04-00494 (D.E. 33 & 40) delivered to Plaintiff.

The Clerk of Court is also directed to enter Senior U.S. District Judge Janis Graham Jack's orders into the docket of the present case as either an attachment to this order or as a separate entry.

ORDERED this 18th day of July, 2014.


Jason B. Libby
United States Magistrate Judge